



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

Mail Stop: ECL-111

AUG 12 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Shawn Carter Lilley
Corporate Counsel
Glacier Northwest, Inc.
PO Box 1730
Seattle, WA 98111

John Bjorkman
Kirkpatrick & Lackhart Preston Gates Ellis LLP
925 4th Ave., Suite 2900
Seattle, WA 98104-1158

Re: Supplemental Request for Information Pursuant to Section 104(e) of CERCLA, for the
Lower Duwamish Waterway Superfund Site, Seattle, Washington

Site: Glacier Northwest, Inc.
5900 West Marginal Way SW, Seattle, WA 98106
5975 East Marginal Way S, Seattle, WA 98134
6335 1st Ave. S, Seattle, WA 98134

King County Parcels: 1924049029, 1924049075, and 5367204505

Dear Mr. Lilley:

The United States Environmental Protection Agency, Region 10 (EPA) continues to investigate the releases or threat of releases of hazardous substances associated with the Lower Duwamish Waterway Superfund Site ("LDW Superfund Site"). EPA seeks your cooperation in this investigation.

EPA reviewed your response to the Request for Information dated November 28, 2007, and has additional and clarifying questions that are set forth in the enclosed Supplemental Information Request. This information will be used for the purposes of determining the need for response, or choosing or taking any response action at the LDW Superfund Site, and to identify additional potentially responsible parties for performing the cleanup.

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), requires you to respond to the requests set forth in the Supplemental Information Request.

Failure to provide a complete, truthful response to this Supplemental Information Request within sixty (60) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action pursuant to Section 104(e) of CERCLA. The statute permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-compliance with this Supplemental Information Request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Supplemental Information Request should be mailed to:

United States Environmental Protection Agency, Region 10
Aaron Lambert, Environmental Protection Specialist
Environmental Cleanup Office, ECL-111
1200 Sixth Ave. Suite 900
Seattle, Washington 98101

If you have questions concerning this letter or the LDW Superfund Site, please contact Aaron Lambert at (206) 553-5122. Any communication by any attorney on your behalf should be directed to Alexander Fidis, EPA Office of Regional Counsel, at (206) 553-4710.

Thank you for your cooperation in this matter.

Sincerely,



Patty McGrath, Unit Manager
Site Cleanup Unit #3
Office of Environmental Cleanup

Enclosures:

Supplemental Information Request
Definitions
Instructions
Declaration

cc: Dan Cargill, Ecology/NWRO

U.S. EPA

CERCLA SECTION 104(e)

SUPPLEMENTAL INFORMATION REQUEST

Please note: This Supplemental Information Request includes instructions for responding to this request and definitions of words such as "Respondent," "Site," and "identify" used in the questions. Any references to specific question numbers refer to the First Information Request, dated November 28, 2007.

INFORMATION REQUEST QUESTIONS

1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and FAX machine number.

2. Cement Terminal Activities (5900 West Marginal Way SW, Seattle, WA 98106)

- a. According to the Glacier Northwest initial 104(e) response, no documentation is available for the 1986 dredge event conducted at the Cement Terminal, 5900 West Marginal Way SW, Seattle, WA 98106. Provide a complete narrative description of this dredge event because documentation and sampling data was submitted by Glacier Northwest was insufficient.
- b. Provide all spoils sampling results for the dredging and open water disposal identified in documents Respondent submitted to EPA for permits for the Cement Terminal at 5900 West Marginal Way SW, Seattle, WA 98106, dated January 5, 1993 (Permit 20-521011, Bates 001283-001287) and January 3, 2005 (Permit # 20040016, Open-Water Dredged Material Disposal Permit #Permit 20-521051 Bates 001508-001517). Information compiled by EPA indicates that during this event, Glacier Northwest's contractors spilled

dredged materials and water back over the dredged area. Spillage occurred three times, and the total spillage was estimated at 100-500 cubic yards.

- c. Provide all documents regarding remedial and removal actions completed or planned for the Cement Terminal at 5900 West Marginal Way SW, Seattle, WA 98106. Documentation of remediation at the Site was not submitted. Although an RI/FS was prepared under MTCA for the Cement Terminal, and contamination has been confirmed at the facility, no confirmation of the planned remediation activities was provided in the initial response.

3. Batch Plant Activities (5975 East Marginal Way S, Seattle WA, 98134)

- a. Provide all spoils sampling results for the dredging and open water disposal identified in documents Respondent submitted to EPA for permits for the Batch Plant at 5975 East Marginal Way SW, Seattle, WA 98134 dated June 17, 1996 (Permit 20-521023, Bates 001290-001297), February 4, 2002 (Permit 20-521043, Bates 001503-001507).
- b. According to the February 2009 Summary of Existing Information and Identification of Data Gaps report prepared for Ecology for Slip 2 to Slip 3, Glacier Northwest is involved in overwater activities at the Batch Plant, 5975 East Marginal Way South, Seattle, WA 98134. After a 2006 inspection by Seattle Public Utilities cited in the aforementioned Data Gaps report, Glacier Northwest planned to construct a new conveyor and bridge to prevent gravel from spilling into the Lower Duwamish Waterway. Confirm if this new construction was completed for operations at the Batch Plant facility.
- c. Provide all documentation regarding remedial actions, removal actions, and sampling data to assess the condition of soils and groundwater at the Batch Plant, 5975 East Marginal Way South, Seattle, WA 98134. Documents provided by Glacier Northwest did not provide details of sampling data or actions at the property regarding soils and groundwater although the February 2009 Summary of Existing Information and Identification of Data Gaps Report prepared for Ecology for River Mile 1.2-1.7 East, indicates that the area around the USTs and pump island was remediated.
- d. Provide all documentation pertaining to and a detailed description of the events leading to, the locations of, and all actions taken in conjunction with the December 4, 2000 samples that were taken from the Duwamish Shop at the Batch Plant, 5975 East Marginal Way South, Seattle, WA 98134. The documentation provided (Glacier Northwest Bates Numbers 003918-003923) does not provide background information or an explanation of why the sampling was conducted.
- e. Provide an inventory of all current and historical tanks and silos at the Batch Plant, 5975 East Marginal Way South, Seattle, WA 98134, including their capacity and contents and all sampling data associated with these structures. Include removal dates of any such historical structures that have been removed. Respondent stated in the initial response that

the Batch Plant includes three Underground Storage Tanks (USTs). However, a report prepared by G-Logics, Inc. dated April 3, 2003, only identified two USTs at the Batch Plant.

- f. According to the June 2009 Source Control Action Plan for RM 1.7 to 2.0 East, prepared for Ecology, Glacier Northwest is listed as the operator for Outfall 2019, located at the Batch Plant, 5975 East Marginal Way South, Seattle, WA 98134. Confirm whether this outfall is covered under Glacier Northwest's General Sand & Gravel NPDES permit (WAG503191).

4. Corporate Information

- a. Indicate whether Glacier Northwest, Inc. is a successor in interest to, is currently or was historically corporately related in any way to, or has or had any other relationships with the following entities:
 - i. Lone Star Northwest, Inc.
 - ii. Lone Star Industries, Inc.
 - iii. Lonestar Investors, LP
 - iv. Lone Star Cement Corporation
 - v. Any other entity containing the name Lone Star or Lonestar
 - vi. Pioneer Construction Materials, Co.
 - vii. Riedel International, Inc.
 - viii. Glacier Sand & Gravel, Co.
- b. Provide a detailed description of and all information regarding the full nature of all relationships and business activities and dealings between the entities listed in 4.a. above and Glacier Northwest, Inc., their management, members, and ownership.
- c. EPA documentation (available in the Superfund Records Center) dated January 11, 2000, indicates that Lone Star Northwest, Inc. notified Ecology of a corporate name change from Lone Star Northwest, Inc. to Glacier Northwest, Inc. The documentation states that this was a change only in corporate name, and all other aspects of the corporation remained the same. Confirm whether this is correct and provide a detailed description of all of Respondent's further corporate modification as well as all previous corporate name changes.
- d. Documentation gathered by EPA, dated January 15, 1970 (available in the Superfund Record Center database), states that Lone Star Cement Corporation obtained a Waste Discharge Permit on that date. Provide a detailed description of the corporate succession at the Site. EPA records also indicate that both Glacier Sand & Gravel, Co. and Pioneer Construction Materials, Co. (including a document dated March 4, 1986 as well as additional documentation available in the Superfund Record Center), operated on the parcel located at 5975 East Marginal Way SW, Seattle, WA.

5. Additional Site Activities and Interests

The initial 104(e) Request for Glacier Northwest requested documentation regarding Glacier Northwest's tenure on the Site from 1985 through the date of the Request. In response to the following requests below, provide responses and documentation throughout the relevant time period, as well as information and documentation that is relevant to all of the entities' tenures listed in 4.a. Provide only documents not previously provided in response to the initial Request for Information, or otherwise provided in response to this Supplemental Information Request.

Provide a separate response to all requests in this section (5) for each separate property comprising the Site.

- d. Provide a detailed description of Lone Star Northwest's operations at the Site prior to Glacier Northwest. Specifically, what type of cement manufacturing occurred at the Site (*i.e.*, post kiln grinding operations for raw cement production, kiln operations, ready-mixing).
- e. Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site include information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:
 - i. All spills, leaks, releases, or discharges of a hazardous substance, waste, or material at or near the Site;
 - ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
 - iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and
 - iv. Investigations, inspections, sampling, and reports generated by Respondent and/or others regarding the Site and surrounding area.
- f. Provide a detailed description and all documentation of current and past stormwater drainage, lines, systems, and outfalls. Provide all site drainage descriptions, plans or maps that include information about stormwater drainage, management, and discharge. If available, also include information about connections to sanitary sewer.
- g. Provide a detailed description and all documentation of wastewater management and flow at the Site. With respect to past and current site activities, provide copies of all stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of all Stormwater Pollution Prevention, Maintenance Plans, Spill Plans, and all

stormwater, process water, or all other discharge permits including all sampling and monitoring reports and data that may have been developed or obtained for different operations during the Respondent's occupation of the property.

- h. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and all other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.
- i. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).
- j. Provide all Discharge Monitoring Reports, NPDES, and all documentation of other sampling conducted at the Site.

6. Additional Facility

- a. Provide information on the property at 3838 West Marginal Way South, which is not defined as part of the "Site" for the purposes of the rest of this Information Request. This property is leased by Glacier Northwest from the Port of Seattle. The facility is used as an aggregate distribution yard, however, no other information was provided in the 104(e) response. Provide all documents regarding and a detailed description of the following at this property:
 - i. Historical and current operations;
 - ii. Storage and disposal of wastes;
 - iii. Environmental conditions including all releases, violations, remediation, investigations, and sampling; and
 - iv. Drainage descriptions, including plans, maps, or photographs.

7. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
 - i. the name and current job title of all individuals consulted;
 - ii. the location where all documents reviewed are currently kept.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Supplemental Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Supplemental Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Supplemental Information Request and at least one copy of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive. Additionally, please clearly identify and segregate any information you determine to be Confidential Business Information (CBI).

If providing your response electronically, it must be submitted on a compact disc in Portable Document Format (PDF) and comply with the following requirements:

- a. CBI and personal privacy information should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled and physically separated from the other response information in EPA's files.
 - b. The declaration must be provided in hard copy with an original signature.
 - c. All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - d. Electronic PDF files cannot be submitted in Adobe Acrobat versions above 6 (or above PDF format version 1.5 if not using Adobe).
 - e. Electronic PDF files must be text-searchable.
 - f. The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Supplemental Information Request.

5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.**
7. Disclosure to EPA Contractor. Information submitted in response to this Supplemental Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Supplemental Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Supplemental Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information". Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Supplemental Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. **Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Supplemental Information Request must be disclosed in your response.**

11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, *et seq.*, or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "Respondent" shall mean the addressee of this Request, together with the addressee's agents, employees, and contractors.
2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, all of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document.
 - b. all film, photographs, or sound recordings on any type of device;
 - c. all blueprints or drawings;
 - d. attachments to, or enclosures with, any document.
3. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.

4. The term "identify" means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
6. The term "material" or "materials" shall mean any and all raw materials, commercial products, wastes, chemicals, substances, or matter of any kind.
7. The "period being investigated" and "the relevant time period" shall mean the date of Respondent's first involvement at the Site to present.
8. The term "property" shall mean any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental, and mineral rights.
9. The "Site" shall mean any or all property or area described as or near 5900 West Marginal Way SW, 5975 East Marginal Way S, and 6335 1st Ave. S; and King County Tax Parcels: 1924049029, 1924049075, and 5367204505.
10. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, building debris and asbestos-containing material.
11. The term "business activities" shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Site, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2011.

Signature

Type or Print Name

Title

Mailing Address:

Shawn Carter Lilley
Corporate Counsel
Glacier Northwest, Inc.
PO Box 1730
Seattle, WA 98111

John Bjorkman
Kirkpatrick & Lackhart Preston Gates Ellis
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